

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Algonquin Gas Transmission Company

Docket No. RP04-24-002

ORDER GRANTING REHEARING FOR FURTHER CONSIDERATION
AND DENYING MOTION FOR STAY

(Issued December 31, 2003)

1. On November 7, 2003, the Commission issued an order in response to a filing made by Algonquin Gas Transmission Company (Algonquin) that proposed a new meter access charge.¹ There, the Commission accepted and suspended Algonquin's revised tariff sheets subject to refund and conditions, and established hearing procedures. The Commission found that a hearing would provide interested parties an opportunity to examine and litigate the proposed rates.

2. Several parties have timely requested rehearing of the Commission's November 7 Order. In the absence of Commission action within 30 days, the requests for rehearing (and any timely requests for rehearing filed subsequently)² would be deemed denied. See 18 C.F.R. § 385.713. In order to afford additional time for consideration of the matters raised, rehearing is granted for the limited purpose of further consideration. As provided in 18 C.F.R. § 385.713(d), no answers to the rehearing request will be entertained.

¹ Algonquin Gas Transmission Co., 105 FERC ¶ 61,180 (2003) (November 7 Order).

² See San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, et al., 95 FERC ¶ 61,173 (2001) (clarifying that a single tolling order applies to all rehearing requests that were timely filed).

3. Among the parties requesting rehearing, Northeast Energy Associates (Northeast) also filed a motion for stay that requests the Commission to stay the effectiveness of the November 7 Order while rehearing is pending. The standard for Commission review of a request for stay of a Commission order is whether justice so requires.³ The Commission finds that justice does not require that a request for stay of the November 7 Order be granted under the circumstances presented. Accordingly, the request for stay of the November 7 Order is denied.

The Commission orders:

- (A) Rehearing of the November 7 Order is granted for further consideration.
- (B) Northeast's motion for stay is denied.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary

³ Administrative Procedure Act, 5 U.S.C. § 705 (2000). See, e.g., East Tennessee Natural Gas Co., 101 FERC ¶ 61,188 at P 9 (2002).